

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

AUG -1 2017

Clerk, US District Court
District of Montana - Billings

MICHAEL LYNN RIFFE,

Plaintiff,

vs.

RUSSELL WAGG MESHKE &
BUDZINSKI, P.C., ALASKA
NATIONAL INSURANCE CO., BC
EXCAVATING, AND BC LEASING,

Defendants.

CV 17-84-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

Before the Court are United States Magistrate Judge Timothy Cavan's Findings and Recommendations filed on July 14, 2017. (Doc. 5). Judge Cavan recommends that this Court grant Plaintiff Michael Riffe's motion for leave to proceed in forma pauperis. (Doc. 1).

Pursuant to 28 U.S.C. § 636(b)(1), the parties were required to file written objections within 14 days of the filing of Judge Cavan's Findings and Recommendations. No objections were filed. When neither party objects, this Court reviews Judge Cavan's Findings and Recommendations for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendations, this Court does not find that Judge Cavan committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by United States Magistrate Judge Cavan (Doc. 5) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Plaintiff Riffe's motion for leave to proceed in forma pauperis (Doc. 1) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff Riffe's complaint (Doc. 2) is DISMISSED without prejudice.

IT IS FURTHER ORDERED that Plaintiff Riffe is granted leave to amend his complaint after administrative remedies have been exhausted with the Alaska Workers' Compensation Board and Alaska Workers' Compensation Appeals Commission.

The Clerk of Court is directed to mail Plaintiff Riffe a copy of this Order and close this matter.

DATED this 1st day of August, 2017.



SUSAN P. WATTERS
United States District Judge